

Service Date: April 28, 1997

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the MONTANA POWER	)	UTILITY DIVISION
COMPANY's Advanced Silicon Materials, Inc.,	)	DOCKET NO. D96.6.106
Market-Based Tariff and Protective Order.	)	ORDER NO. 5924c

**PROTECTIVE ORDER, MPC RATE SCHEDULE NO. ASIMI-1**

**BACKGROUND**

On February 20, 1997 the Montana Public Service Commission (Commission) issued Order No. 5924b in Docket No D96.6.106. The Commission authorized Montana Power Company (MPC) to provide electrical service in Butte, Montana to Advanced Silicon Materials, Inc. (ASIMI), pursuant to the negotiated pricing terms of the contract between the parties. The service is to be provided with a combination of system energy surpluses and capacity purchased from the market, with net revenues treated as revenue credits to existing ratepayers in future revenue requirement proceedings. The Commission directed MPC to file a general tariff showing information necessary for the general public, to be kept on file, and a proposed Protective Order governing the confidential portions of the tariff related to the contract terms.

**ORDER**

IT IS ORDERED that this Protective Order shall be in effect, unless there is a Commission or MPC decision that the information need not remain protected, as provided in this Order.

1. (a) Confidential Information. The pricing information contained within the tariff, Original Sheet Nos. 91.2 and 91.3, shall be deemed confidential. All persons accorded access under this Order shall treat this trade secret, confidential or privileged pricing information as confidential (referred to as "Confidential Information"). Confidential Information shall not be used nor disclosed except solely in accordance with this Order. MPC shall mark or stamp the Confidential Information with a designation indicating its trade secret, proprietary or confidential

nature, and submit this Confidential Information to the Commission on yellow paper for identification for filing purposes.

(b) Nondisclosure Agreement. Confidential Information shall not be disclosed to any person who has not signed a nondisclosure agreement form incorporated herein as Exhibit "A." Exhibit "A" requires the persons obtaining disclosure first to read a copy of this Protective Order and certify in writing that they have reviewed the Order and consented to be bound by its terms. The agreement shall contain the signatory's full name, permanent address and employer (if any), or, if the signatory is an independent contractor or consultant, the name of the entity for whom the signatory is working. The agreement shall be delivered to the Commission, which shall then provide a copy of the agreement to MPC. MPC shall have twenty (20) days from the date an individual requests to see the confidential information and signs an Exhibit "A" to file an objection with the Commission. The Commission shall not disclose the Confidential Information until the twenty (20) day period has expired and MPC has not filed an objection.

2. (a) Challenge to Individual's Review. This Order establishes a procedure to expedite handling of MPC's objection to individual requests to review Confidential Information.

(b) Commission Procedure. On receipt of MPC's objection, the Commission shall resolve the issue promptly. The Commission shall encourage MPC and the requesting party to informally resolve the challenge. If the parties are unable to reach agreement, the Commission shall decide the issue. The Commission shall conduct any proceedings in camera to protect the Confidential Information. The record of in camera hearings shall be marked "CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER, MONTANA POWER COMPANY'S RATE SCHEDULE NO. ASIMI-1," and transcribed only on agreement of the parties or Order of the Commission. If transcribed, the record shall be separately bound, segregated, sealed, and withheld from inspection by any person not authorized disclosure under this Order. There may be no release from the restrictions of this Order without either an agreement of the parties or an Order of the Commission, after notice to the parties and a hearing.

3. Segregation of Files. All Confidential Information filed with the Commission will be sealed by the Commission, segregated and withheld from inspection by any person not bound by the terms of this Order. Confidential Information may be released from the restrictions

of this Order by agreement of the parties or, after notice and hearing, pursuant to an Order of the Commission or final order of a court having jurisdiction. The Consumer Counsel may retain all written Confidential Information obtained under this order, but shall withhold it from inspection by others, except for Consumer Counsel staff and counsel, unless it is released by the Public Service Commission and/or a final order of a court under this paragraph, subject always to the terms of confidentiality in this Order.

4. Preservation of Confidentiality. All persons receiving access to any Confidential Information by reason of this Order shall neither use nor disclose the Confidential Information for purposes of business or competition, or any purpose other than to prepare for and conduct this proceeding as provided in this Order, and shall take reasonable precautions to keep the Confidential Information secure, pursuant to this Order.

5. Amendment or Modification. The Commission retains jurisdiction of this matter and may alter or amend these provisions, upon motion by an appropriate party and reasonable notice.

DONE AND DATED this 22nd day of April, 1997 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chairman

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NANCY MCCAFFREE, Vice Chair

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DANNY OBERG, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.

EXHIBIT "A"

I have reviewed the foregoing Protective Order in MPC Docket No. D96.6.106, dated April 22, 1997, and agree to be bound by the terms and conditions of such order.

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Signature

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Typed or Printed Name

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Employer or Firm

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Business Address

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Party

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Date